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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 March 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Introduction

1.   This **FINAL** Office Action is in response to communications received on March

20, 2009. Claims 1, 2, 8, 9, 13, 14 and 28-30 have been amended. Claims 1-30 are

pending.

Response to Amendment

2.   Applicant's amendments to claim 1 is sufficient to overcome the 35 U.S.C. § 101

rejections as set forth in the previous office action.

Response to Arguments

        Applicant's arguments have been fully considered by the Examiner. In particular,

Applicants argue: **(1)** Frank fails to disclose or suggest "a system integrated into a

workflow process for use in improving management of said workflow process" by

"receiving, during execution of a task in said workflow process, a message indicating

recognition of an occurrence of a performance deficiency in said workflow process" and

"storing records... an individual record comprising data representing current workflow

context information indicating context occurring substantially at the time of recognition of

said occurrence of said performance deficiency in said workflow process and

information identifying said performance deficiency in said workflow process" on

Applicant's Remarks, page 10, Para. 2, and page 11, Para. 2 and 3; **(2)** Frank fails to

disclose or suggest "an analyzer for analyzing said data in said record identifying said

performance deficiency in said workflow process to support improvement of said workflow process" on Applicant's Remarks, page 12, Para. 2; **(3)** Frank fails to disclose or suggest that "said received message indicating occurrence of a performance deficiency in said workflow process is initiated in response to at least one of, (a) user data entry in a generated user interface display image during execution of a task in said workflow process and (b) automated performance assessment derived form workflow process operation monitoring of said workflow process" on Applicant's Remarks, page 13, Para. 1; **(4)** Frank fails to disclose or suggest such an assessment is an "automated performance assessment" on Applicant's Remarks, page 13, Para. 3; " **(5)** Frank fails to disclose or suggest "a system integrated into a workflow process for use in improving management of said workflow process" and "an analyzer for initiating generation of an alert message to a user of the workflow system in response to analyzing said record" on Applicant's Remarks, page 14, Para. 1; **(6)** Frank fails to disclose or suggest "a user interface system integrated into a workflow process for use in improving management of said workflow process…comprising a sequence of tasks…to support healthcare delivery to a patient" on Applicant's Remarks, page 14, Para. 2; and **(7)** Frank fails to disclose or suggest "said display generator initiates display of data representing a workflow image supporting user performance of a task involved in delivering healthcare to a patient, said workflow image including an image element enabling user initiation of display of said data representing said at least one image enabling a user to enter data identifying said performance deficiency in said workflow process" on Applicant's Remarks, page 14, Para. 4.

Regarding argument (1), Examiner respectfully disagrees. Frank clearly teaches a work flow system includes functions: provision of metrics to measure performance tasks, help identify deficiencies and implement improvements, validation and execution of business process workflow, provides bench marking features to monitor the incident management during the life cycle of the incident occurrence, and activities/collection of data associated with compliance failures (see ¶ 39), by *receiving initial information about an incident and storing the extracted information in a database* (see claim 64).

Regarding argument (2), Examiner respectfully disagrees. Frank clearly teaches the system with a comprehensive analysis module (Fig. 6) and performance of tasks related to the incident is measured to assist in identifying deficiencies (see ¶ 10).

Regarding arguments (3) and (4), Examiner respectfully disagrees. Frank clearly teaches receiving initial information about an incident (Fig. 5, item 500), generating forms for incident and data capture (see claim 12), further, Frank discloses risk assessment and evaluation report are generated by the incident management system (see ¶ 36). It would have been obvious to one of ordinary skill in the art at the time of the invention to know that the assessment is generated automatically by the incident management system.

Regarding argument (5), Examiner respectfully disagrees. Frank clearly teaches the presented compliance management system for incident and workflow management, allows performance measurements of tasks related to the incident that can assist in identifying deficiencies and implementing improvements (see ¶ 11), and including sending a notice to a user for alerting of the incident (see claim 12).

Regarding argument (6), as per the argument above in argument (5), in additional, Applicants argue over the reference of Frank is silent regarding "a system … to support healthcare delivery to a patient"; however, the claimed language is non-functional descriptive material and was not given patentable weight (MPEP §2106.01).

Regarding argument (7), Examiner respectfully disagrees. Frank clearly teaches the system including image storage/retrieval and display to a user's computer (see ¶ 31), and including generating forms for incident and data capture (see claim 12).

Claim Objections

3. **Claims 1, 13 and 14** are objected to because of the following informalities. Claims 1, 13 and 14 recite "conditioned" renders the claim indefinite because it is unclear to the examiner as to what " conditioned" mean with respect to the claimed subject matter. Applicant(s) did not point out, nor was Examiner able to find any supporting definition in the specification. Examiner interpreted the claim to read "configured" for the purposes of examination.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 13, 14, and 28-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The amended claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added subject matter which is not in the original specification is as follows:

Claims 1, 2, 13, 14, and 28-30 recite "recognition". The newly added limitations appear to constitute new matter. Applicant did not point out, nor was Examiner able to find, any support for these newly added limitations in the specification as originally filed.

Applicant is required to cancel the new matter throughout the application in the reply to this Office Action.

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 13, 14, and 28-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1, 13, 14, and 28-30, claims 1, 13, 14, and 28-30 recite "substantially" renders the claim indefinite because it is unclear to the examiner as to what " substantially" mean with respect to the claimed subject matter, and there is no definition in the specification. Applicants are required to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C 102 that

form the basis for the rejections under this section made in this Office Action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Frank

et al., (US 2002/0143595 A1).

Regarding claim 1, Frank teaches a system integrated into a workflow process

for use in improving management of said workflow process (see 39: *The work flow*

system includes functions: provision of metrics to measure performance tasks, help

identify deficiencies and implement improvements, validation and execution of

business process workflow, provides bench marking features to monitor the incident

management during the life cycle of the incident occurrence, and activities/collection of

data associated with compliance failures) by *receiving information about an incident*

(see ¶ 11) and storing information in a database (see claim 64), said workflow process

comprising a sequence of tasks to be performed by at least one individual, said system

comprising:

an interface processor (see Fig. 3: Processor) for receiving, during the execution

of a task in said workflow process, a message indicating recognition occurrence of a

performance deficiency (*incident*) in said workflow process (see claim 64: *receiving*

initial information about an incident; and ¶ 37: *includes the management information*

that is collected during/after/before an incident);

a data processor conditioned for storing records in a repository, an individual

record comprising data representing current workflow context information indicating

context occurring substantially at the time of recognition of said occurrence of said

performance deficiency in said workflow process and information identifying said

performance deficiency in said workflow process, in response to the received message

(see claim 64: *extracting information related to the incident and storing the extracted*

information in a database); and

an analyzer for analyzing the data in said record identifying said performance

deficiency in said workflow process to support improvement of said workflow process

(see Fig. 6, item 630: analysis module; and ¶ 10: *Performance of tasks related to the*

incident is measured to assist in identifying deficiencies and implementing

improvements).

Regarding claim 2, Frank teaches the system according to claim 1, wherein said

data processor stores a plurality of records in at least one repository (see Claim 64:

storing the extracted and internal information in a database; Fig. 3, items 320-340:

databases), said records comprising data representing current workflow context

information at the time of recognition of said performance deficiencies in said workflow

process and information identifying said plurality of corresponding performance

deficiencies (see ¶ 2: *keep a complete record of an incident and procedural workflow…incident occurrences*), and

said analyzer analyzes data in said records identifying said performance deficiencies to identify a pattern of performance deficiencies in said workflow process (see Fig. 6, item 630: analysis module; and ¶ 35: *conduct an investigation of an incident in a fair, discrete, and well-documented manner; the workflow metrics are evaluated and based on the evaluation performance is assessed and change can be implemented to avoid the occurrence of future incidents*) .

Regarding claim 3, Frank teaches the system according to claim 2, wherein said analyzer prioritizes identified performance deficiencies in said workflow process (see Fig. 6, item 630: analysis module; ¶ 11: *The processor allows performance measurements of tasks related to the incident;* and ¶ 58-59: *measuring performance of task related to the incident in order to identifying deficiencies and recommend corrective actions*).

Regarding claim 4, Frank further teaches the system wherein said analyzer initiates generation of an alert message to a user in response to analyzing said records (see Fig. 8, items 821; and claim 22: *sending a notice to a user that should be alerted of the incident*).

Regarding claim 5, Frank further teaches the system wherein said data processor stores said plurality of records in chronological sequence to facilitate identification of a time of first occurrence of a particular performance deficiency (see

Fig. 6, item 617: *time-card records*; and ¶ 59: *it is recognized that the order or sequence of task*).

Regarding **claim 6**, Frank further teaches the system wherein said performance deficiency comprises at least one of, (a) an error (¶ 39: *failures*), (b) a deficiency in operation (¶ 66: *a chemical spill*), (c) performance below a performance achievable with a proposed workflow process modification (¶ 40: *modeling of the workflow to avoid future failures*), (d) a deficiency of speed of operation (¶ 42: *a chemical spill by a truck driver*), (e) a deficiency in usability (¶ 35: *ability to model changes to workflow*), (f) a deficiency in efficiency (¶ 23: *managements are charged with finding new ways to manage and improving outcomes*), (g) a deficiency in operational capability (see ¶ 39: predicative capabilities) and (h) a deficiency in output quality (¶ 39: *provides benchmarking features to monitor*).

Regarding **claim 7**, Frank teaches the system according to claim 1, wherein said context information includes at least one of, (a) a time (see ¶ 4: *amount of time for these activities*), (b) a user identifier (Fig. 6, item 612 - *database records; ¶ 57: include the parties involved*), (c) a workflow task identifier (Fig. 6, item 612 - *database records*), (d) a workflow process input parameter (Fig. 5, item 500 - *Input form*), (e) a workflow process output parameter (Fig 8, item 880 - *Send recommendations*), (f) a decision rule applied in said workflow process (¶ 34: *the processor can incorporate the new regulations to ensure complies with the new rules*), (g) a location (¶ 29: *a central location*) , (h) an active participant (see claim 20: *interviewing participants*), (i) an input

terminal (Fig. 1, item 110) and (j) a workflow task result (see ¶ 36: *incident status report, evaluation reports…*).

Regarding claim 8, Frank further teaches the system wherein said received message indicating occurrence of a performance deficiency in a workflow process is initiated in response to at least one of, (a) user data entry in a generated user interface display image during execution of a task in said workflow process (see ¶ 36: *forms for reporting the incident and capturing data are generated by the incident management system*) and (b) automated performance assessment derived from workflow process operation monitoring (see ¶ 36: *risk assessment, evaluation report and the like are also generated by the incident management system*).

Regarding claim 9, Frank further teaches the system wherein said workflow process comprises a sequence of tasks to be performed by at least one individual to support healthcare delivery to a patient (see ¶ 65: *depending on the implementation, it is further recognized that the sequence of task can be in any order to achieve the desired end result;* ¶ 46: *Subject matter can also be specialized in… such as healthcare, banking, insurance, pharmaceuticals*).

Regarding claim 10, Frank further teaches the system wherein said analyzer automatically parses said message indicating occurrence of said performance deficiency to identify a category of said performance deficiency (see ¶ 60: *A comprehensive analysis is done in block 630 to filter out relevant information that could*

relate to the incident, such factors use in this filter process include, parties involved,

site involved, type of incident, material involved and the like).

Regarding claim 11, Frank further teaches the system wherein said analyzer

automatically identifies said category of said performance deficiency by at least one of,

(a) text string matching (see ¶ 57: *the system searches for matching occurs between*

the type of incident) and (b) key word matching and said analyzer initiates generation

of an alert message to a particular participant associated with said identified category

of performance deficiency based on a stored map associating said particular

participant with said category (see ¶ 60: *A comprehensive analysis is done in block*

630 to filter out relevant information that could relate to the incident, such factors use in

this filter process include, type of incident. The information is then sent to the user for

use in the incident investigation).

Regarding claim 12, Frank further teaches a system wherein said analyzer

analyzes said data in said records by statistically evaluating error frequency of

identified performance deficiencies associated with particular workflow tasks (¶ 39:

based on the collected data of previous failures; ¶ 22: *The incident management*

system maintains accurate record keeping of incidents, handles variances based upon

specific variables…).

Regarding claim 13, claim 13 recites similar limitations to Claim 1 and is

therefore rejected using the same art and rationale as applied in the rejection of Claim

1.

Regarding claim 14, Frank teaches a user interface system integrated into a workflow process for use in improving management of said workflow process, said workflow process comprising a sequence of tasks to be performed by at least one individual to support healthcare delivery to a patient, comprising:

a display generator conditioned for initiating display of data representing at least one image enabling a user to enter data identifying a performance deficiency in said workflow process during the execution of a task in said workflow process(see claim 12: *including generating forms for incident and data capture*; ¶ 31: *including image storage/retrieval and display on a user's computer*);

a data processor conditioned for storing a plurality of records in at least one repository, said records comprising data representing workflow context information indicating context occurring substantially at the time of recognition of said performance deficiencies and information identifying a plurality of corresponding performance deficiencies in said workflow process, in response to said entered data identifying said performance deficiency (see claim 64: *extracting information related to the incident and storing the extracted information in a database*); and

an analyzer for analyzing the data in the record identifying said performance deficiency to support improvement of said workflow process (see Fig. 6, item 630: *analysis module*; and ¶ 10: *Performance of tasks related to the incident is measured to assist in identifying deficiencies and implementing improvements*)

Regarding claim 15, Frank further teaches the system wherein said at least one image supports user entry of items including at least one of

(a) data identifying a particular performance deficiency by selection from a predetermined list of items indicating predetermined categories of performance deficiency (see Fig. 7, item 730: *identify deficiencies*; and Fig. 6, item 611-622),

(b) text concerning a particular performance deficiency (see ¶ 42: *chemical spill by a truck drive may be by alcohol or drug abuse or mechanical problems*),

(c) data selecting a checkbox identifying a particular performance deficiency from a plurality of checkboxes associated with a corresponding plurality of predetermined categories of performance deficiency (see ¶ 58: *the type of information can include the results from drug or alcohol tests; and these predetermined categories may be in the form of a checklist, flowchart, formal instructions or other similar formats*),

(d) data identifying a particular performance deficiency (see Fig. 7, item 730: *identify deficiencies*), provision

(e) data identifying a magnitude of a particular performance deficiency (see ¶ 45: a *broad scale or on a specific topic that identify the areas impacting the organization*),

(f) data identifying urgency of a particular performance deficiency (see ¶ 45: *provides unparalleled resources to identify areas of risk and vulnerability*), and

(g) data identifying user dissatisfaction with particular workflow task performance (see ¶ 11: *allows performance measurements of tasks related to the incident*).

Regarding claim 16, Frank further teaches the system wherein in response to said user entry of said items, said data processor stores said records comprising data

representing workflow context information (see Fig. 8, item 850: record incident; and ¶ 36: *provides a secure environment for data entry*).

Regarding claim 17, Frank further teaches the system wherein said at least one image includes pre-populated items including at least one of, (a) a time (see ¶ 4: *amount of time for these activities*), (b) a user identifier (Fig. 6, item 612 - *database records; ¶ 57: includes the parties involved*), (c) a context identifier, (d) a workflow task identifier (Fig. 6, item 612 - *database records*), (e) a workflow process input parameter (Fig. 5, item 500 - *Input form*), (f) a workflow process output parameter (Fig 8, item 880 - *Send recommendations*), (g)a decision rule applied in said workflow process (¶ 34: *the processor can incorporate the new regulations to ensure complies with the new rules*), (h) a location (¶ 29: *a central location*), (i) an active participant (see the body of claim 20: *interviewing participants*), and (j) a workflow task result (see ¶ 36: *incident status report, evaluation reports…*), and (k) a terminal identifier (Fig. 1, item 110).

Regarding claim 18, Frank further teaches the system of claim 14, wherein said data processor stores a pointer (*link or record index*) for use in locating said records in said at least one repository (Fig. 6, item 610; and ¶ 41: *data link*).

Regarding claim 19, Frank further teaches the system of claim 14, wherein said display generator initiates display of data representing a workflow image supporting user performance of a task involved in delivering healthcare to a patient, said workflow image including an image element enabling user initiation of display of said data representing said at least one image enabling a user to enter data identifying said

performance deficiency in said workflow process (see ¶ 63: *the compliance management system sends the appropriate forms and records the incident. Updates may be continually received*).

Regarding claim 20, Frank further teaches the system of claim 14, including said display generator automatically selects a particular image for display enabling a user to enter data identifying said performance deficiency in said workflow process, said particular image being selected based on a type of workflow task associated with said performance deficiency (see ¶ 31: *the processor responds to requests by identifying the appropriate reference, retrieving it from the image storage and display on a user's computer*).

Regarding claim 21, Frank teaches the system of claim 20, wherein said particular image for display is selected from images including at least one of, (a) an option list (see ¶ 58: *checklist*), (b) a bar enabling entry of a value on a scale (see ¶ 63: the system sends the appropriate forms and records the incident; and claim 19: including recording the internal and external costs) , (c) a bar enabling entry of a colored element representing a value on a scale, (d) a message initiation option (see ¶ 57: *the initial information about an incident*), (e) a hotline initiation option and (f) an urgency selection option (see ¶ 61: *Performance measuring can be chosen by the user; a determination is made as to whether new modes of measurements or metrics are required*).

      Regarding claim 22, Frank further teaches the system of claim 14, including a database associating said performance deficiency with a particular type of user interaction, said type of user interaction being associated with at least one of, (a) input of data in support of a workflow process (see ¶ 38: *the workflow system allows a user to define business processes… then execute these business process models while monitoring performance*), (b) output of data in response to a workflow process (¶ 38: the workflow system *takes an input, adds value to it, and provides an output)* and (c) a decision made in support of a workflow process and said display generator automatically selects an image for display in response to said particular type of user interaction associated with said type of workflow task (see Fig. 7, items 700-720).

      Regarding claim 23, Frank further teaches the system of claim 14, including a database associating said performance deficiency with a particular attribute, said attribute comprising at least one of, (a) presence of data in a workflow process (see Fig. 2, item 230), (b) lateness of arrival of data in response to a workflow process (see Fig. 5, item 511: *extract information from external interfaces*), (c) quality of performance of a task of a workflow process (see Fig. 6, item 616), (d) resources associated with a workflow process (see Fig. 2, items 20-260; and ¶ 35: *the incident management system also has the ability to model changes to workflow and/or available resources to assess associated performance impact*), (e) responsibility for a task of a workflow process (see Fig. 3, items 320-340), (f) urgency associated with a task of a workflow process (see ¶ 45: *provides unparalleled resources to identify areas of risk and vulnerability*) and (g) severity of a problem associated with performance of a task

of a workflow process (see ¶ 11: *The processor allows performance measurements of tasks related to the incident*), and

said display generator automatically selects an image for display in response to said particular attribute (see ¶ 9: *the request can be made by the user voluntarily or by the system automatically if the system determines that more information is required*).

Regarding Claim 24, claim 24 recites similar limitations to Claim 22 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 22.

Regarding claim 25, Frank further teaches a system wherein said database associates a category of performance deficiency with said type of user interaction (see Fig. 6, items 610-622: database associates with different categories; ¶ 17: *interaction between a user and the system*).

Regarding claim 26, Frank further teaches a system, including said at least one image enables a user to interactively modify an image supporting user entry of data identifying a performance deficiency in a workflow process (¶ 38: *allows a user to define business process…the user is walked through the process*).

Regarding Claim 27, claim 27 recites similar limitations to Claim 22 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 22.

Regarding claim 28, Frank teaches a method utilizing a system integrated into a
workflow process for use in improving management of said workflow process (see 39:
The work flow system includes functions: provision of metrics to measure performance
tasks, help identify deficiencies and implement improvements, validation and execution
of business process workflow, provides bench marking features to monitor the incident
management during the life cycle of the incident occurrence, and activities/collection of
data associated with compliance failures), said workflow process comprising a
sequence of tasks to be performed by at least one individual, said method comprising:

Receiving by an interface processor, during the execution of a task in said
workflow process, a message indicating recognition of an occurrence of a performance
deficiency (*incident*) in said workflow process (see claim 64: *receiving initial information*
about an incident; and ¶ 37: *includes the management information that is collected*
during/after/before an incident);

Storing, using a data processor, records in a repository electrically coupled to
said data processor, an individual record comprising data representing current
workflow context information indicating context occurring substantially at the time of
recognition of said occurrence of said performance deficiency in said workflow process
and information identifying said performance deficiency, in response to said received
message (see claim 64: *extracting information related to the incident and storing the*
extracted information in a database);

analyzing the data in said record identifying said performance deficiency in said
workflow process to support improvement of said workflow process (see Fig. 6, item

630: analysis module; and ¶ 10: *Performance of tasks related to the incident is*

measured to assist in identifying deficiencies and implementing improvements); and

initiating generation of an alert message to a user in response to analyzing said

record (see claim 12: including sending a notice to a user for alerting of the incident).

Regarding Claim 29, Frank teaches a method utilizing a system integrated into

a workflow process for use in improving management of said workflow process (see

39: *The work flow system includes functions: provision of metrics to measure*

performance tasks, help identify deficiencies and implement improvements, validation

and execution of business process workflow, provides bench marking features to

monitor the incident management during the life cycle of the incident occurrence, and

activities/collection of data associated with compliance failures), said workflow process

comprising a sequence of tasks to be performed by at least one individual, said method

comprising the activities of:

Receiving by an interface processor, during the execution of a task in said

workflow process, a message indicating recognition of an occurrence of a performance

deficiency in a workflow process (see claim 64: *receiving initial information about an*

incident; and ¶ 37: *includes the management information that is collected*

during/after/before an incident);

Storing, using a data processor, a plurality of records in at least one repository

electrically coupled to said data processor, an individual records comprising data

representing workflow context information indicating context occurring substantially at

the time of recognition of said occurrence of said performance deficiency in said

workflow process and information identifying a plurality of corresponding performance

deficiencies, in response to said received message (see claim 64: *extracting*

information related to the incident and storing the extracted information in a database);

and

initiating generation of an alert message to a user in response to analyzing said

records (see claim 12: including sending a notice to a user for alerting of the incident).

Regarding Claim 30, claim 30 recites similar limitations to Claim 14 and is

therefore rejected using the same art and rationale as applied in the rejection of Claim

14.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclose.

- Brandt et al., (U.S. Pub. No.: 2003/0050821 A1), discloses a method for

  processing event changes in circumstance potentially affecting healthcare

  delivered to patient.

- "An Evaluation of Methodological Issues in Workflow Management", by

  Anastasia Sotnikova, The institute of Engineering and Science of Bilkent

  University, August 1998. Discloses a workflow management system allowing

  a schema designer to choose an effective structure of a workflow system,

  simulation results help to avoid possible future losses at the early stages.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pan Choy whose telephone number is (571)270- 7038. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pan Choy/
Examiner, Art Unit 3624
June 8, 2009

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 3624